



	Approved	Denied
Date Action Taken:	7/9/07	
Other:		
Verified by:	[Signature]	

**WASILLA CITY COUNCIL ACTION MEMORANDUM**

**AM No. 07-40**

**TITLE: VACATION OF PUBLIC USE EASEMENT FOR COTTONWOOD CREEK PLACE SUBDIVISION**

Agenda of: July 9, 2007

Date: June 26, 2007

Originator: Archie Giddings, Public Works Director

Route to:	Department	Signature/Date
X	Public Works Director	[Signature] 6/26/07
X	Deputy Administrator Planning, Economic Development, Human Resources	[Signature] 6/26/07
X	City Clerk	[Signature]

**REVIEWED BY MAYOR DIANNE M. KELLER:** [Signature] 6/29/07

**FISCAL IMPACT:**  yes or  no Funds Available  yes  no

Account name/number:

Attachments: MSB Letter Dated June 25, 2007

**SUMMARY STATEMENT:** This vacation allows for the development of the new Target Store. The vacated public use easement is being replaced with a new public use easement that meets the needs of the Alaska Department of Transportation for the existing traffic signal along the Palmer-Wasilla Highway.

**ACTION:** To approve vacation of public use easement for Cottonwood Creek Place Subdivision allowing for the development of the new Target Store.



**MATANUSKA-SUSITNA BOROUGH**  
**Planning and Land Use Department**  
**Platting Division**

350 East Dahlia Avenue • Palmer, AK 99645  
Phone (907) 745-9874 • Fax (907) 746-7407

June 25, 2007

CITY OF WASILLA  
290 E HERNING  
WASILLA, AK. 99654

RE: Cottonwood Creek Place  
Vacation Public Use Easement  
**CASE: 2007-096**

Please respond if you have any objections within 30 days of The Platting Board Notification of Action (June 11, 2007).

**REASON FOR REQUEST:** The existing 16' public use easement recorded in Book 1060 at Page 698 which is part of the existing back traffic light entrance to Fred Meyers, extends into the proposed building. It is being replaced by a 60' wide public use easement aligned to stay out of the building. Also wish to vacate the soil absorption system easement. The system was never installed and it will not be needed as the property is to be served by City sewer.

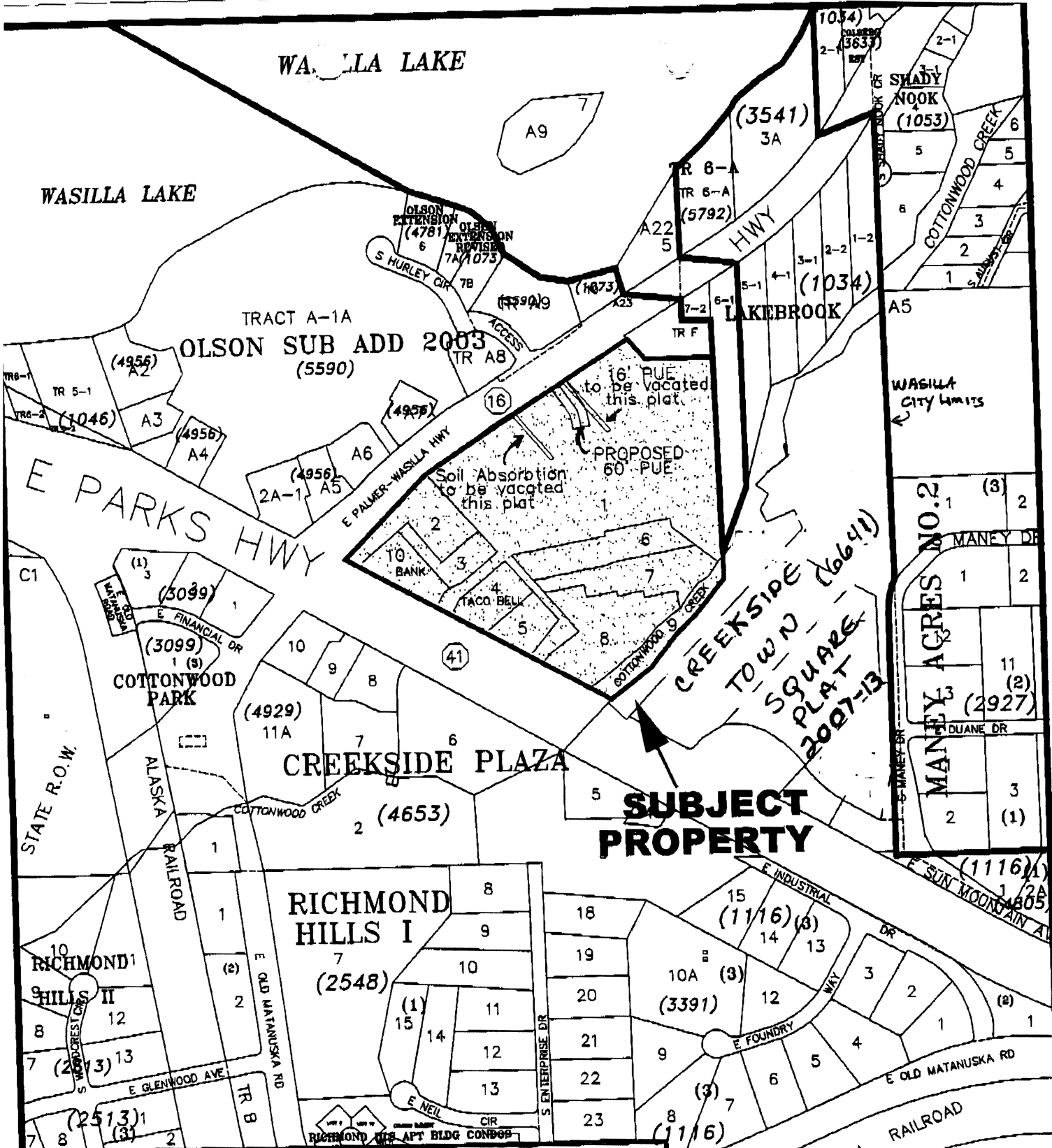
**SUMMARY STATEMENT:** On June 7, 2007 (written decision June 11, 2007) the platting board approved the vacation under MSB 27.15.100 and MSB 27.15.110 Vacations.

**RECOMMENDATION:** Staff recommends the City approve the vacation as the platting board's decision to vacate is consistent with **MSB 27.15.**

Regards;

Paul Hulbert, Platting officer

**ATTACHMENT(S):** Minutes 6-7-07 (2 pages)  
Vicinity Map (1 page)  
Notification of Action (4 pages)



### VICINITY MAP

PROPOSED COTTONWOOD CREEK PLACE SUBD.  
 LOCATED WITHIN  
 SECTION 11, T17N, R1W  
 SEWARD MERIDIAN, ALASKA  
 WASILLA 11 MAP

Matanuska-Susitna Borough  
Platting Board

JUNE 7, 2007  
Regular Meeting

VOTE: The motion passed with all in favor. There were 9 findings. Finding #10 added: "Corner lots for future driveways."

Break 10:05  
Back 10:17

**C. COTTONWOOD CREEK PLACE AND VACATION**  
CD: 10:18:20

Ms. Otto Larsen (Acting Secretary)

- Stated that on May 15, 2007, 91 notices were mailed.
- There have been one return and one non-objection.

Ms. Cameron (Platting Tech)

- Gave a review.
- Located at Parks & Palmer-Wasilla Highway.
- The mall was recently purchased, owners plan to build a Target store as the anchoring tenant.
- Cottonwood Creek Place is within City of Wasilla city limits.
- Internal circulation will be shared. A future signal will be created at an as yet to be determined location.
- No city roads affected, existing driveways remain in place.
- DOT maintenance easements have been resolved.
- Tract 9 adjacent to Cottonwood Creek will be deeded to the City for use as a greenbelt.
- Cultural Resources' site survey along the Creek has yielded area of artifactual interests.
- MEA will remove lines no longer in use and sign off on final plat before recordation.
- Condition of PUD DEC approved storm water plan during construction.
- 16' Public Use Easement will be dead filed and a re-designed 60' curved slightly PUE will be wide enough for maintenance easement from DOT.
- Vacation of soil absorption easement which was never constructed or utilized and is not connected to city sewer. Removal is a housecleaning measure and consistent with 27.20.
- No objections from Borough, SOA DOT/PF, COW, Utilities. Staff recommends approval of vacations & plat with addition of Recommendation #14, "Dead file replat of Cottonwood Creek RSB Case #2005-292. Change finding #1 from "MSB 16.20" to "MSB 27.20".

Mr. Nicodemus (Chair)

- Questioned if tracts 6 & 7 met the 3:1 ratio.

Mr. Hulbert:

Matanuska-Susitna Borough  
Platting Board

JUNE 7, 2007  
Regular Meeting

- Provisions to deviate from code if other conditions are met. Title 17 comports with PUD that it can be approved by the Planning Commission. If within city limits, the city cannot approve lot lines or plat, but the Borough can. City approved PUD Finding #5.

Mr. Nicodemus (Acting Chair)

- Opened the Public Hearing.

Mr. Nicodemus (Acting Chair)

- Closed the public hearing and asked the petitioner to come forward.

Dowl Engineers: Tim Potter, Director of Planning (Petitioner's Representative)

- Went through PUD process, more easily fitted to this project. This is a zero lot line or fragment lot subdivision, which are created to be very specific to project and allows parking, access for each owner. Governing CCR documents will detail setbacks. No objections to recommendations, with the removal of Recommendation #6 and addition of Recommendation #14.

MOTION: Mr. Larson moved to approve the vacation of 16' PUE with three recommendations. Mr. Smith seconded.

VOTE: The motion passed with all in favor. There were 4 findings as written.

MOTION: Mr. Larson moved to approve the vacation of Soil Absorption Easement per Plat No. 84-116 with two recommendations. Ms. Winckler seconded.

VOTE: The motion passed with all in favor. There were four findings as written.

MOTION: Mr. Larson moved to approve the preliminary plat of Cottonwood Creek Place with #1 - 5 as stated, removal of #6, 7-13, and addition of #14. Ms. Winckler seconded.

VOTE: The motion passed with all in favor. There were 12 findings, with modification of #1 "MSB 16.20" to "MSB 27.20", #12 revised from "recommended for approval" to "approved"; and addition of #13, Petitioner agrees to the modifications as read.

CD 10:48

V. MISCELLANEOUS

VI. PERSONS TO BE HEARD

**PLATTING OFFICER COMMENTS**



# MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department  
Platting Division

350 East Dahlia Avenue • Palmer AK 99645  
Phone (907) 745-9874 • Fax (907) 746-7407

June 11, 2007

## NOTIFICATION OF PLATTING BOARD ACTION

RE: COTTONWOOD CREEK PLACE AND VACATIONS

BROWMAN DEVELOPMENT COMPANY, INC.  
1000 NICOLLET MALL, TPN-12D  
MINNEAPOLIS MN 55403

CASE: 2007-096

Action taken by the Platting Board on June 7, 2007 is as follows:

THE SUBDIVISION WITH VACATIONS WERE APPROVED CONTINGENT UPON THE FOLLOWING CONDITIONS/REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

Handwritten signature of Paul H. Hart.

Mr. Terry Nicodemus  
Acting Platting Board Chair

CC:  
DOWL ENGINEERS  
4041 B STREET  
ANCHORAGE AK 99503

MSB/DPW

### **REASONS/CONDITIONS FOR VACATION of 16' PUE**

The Platting Board approved the vacation of the 16' PUE adjacent to the proposed 60' PUE accessing the Palmer-Wasilla Highway contingent upon:

1. Graphically depict vacated area on plat, or record a vacation resolution.
2. Obtain approval by Wasilla City Council of the vacation within 30 days of written Notice of Action by the Platting Board.
3. Dead-file unrecorded PUE, known as Fred Meyer/Cottonwood Creek Mall PUE, MSB Case #1999-232.

### **FINDINGS for VACATION**

- 1) The vacation of the 16' PUE is consistent with MSB 27.15.110 Vacations.
- 2) Equal or better access is being provided with the proposed 60' PUE connecting to traffic signal location of existing driveway approach.
- 3) The driveway approach is already constructed within a proposed public use easement which was never recorded by the previous owners of the property. The only recorded PUE is the 16' requested for vacation.
- 4) There were no objections to the vacation by any state, borough, city agencies, utilities or the public.

### **REASONS/CONDITIONS for VACATION OF SOIL ABSORPTION EASEMENT per Plat No. 84-116**

The Platting Board approved the vacation of the Soil Absorption Easement per Plat No. 84-116 contingent upon

1. Graphically depict vacated area on plat, or record a vacation resolution.
2. Obtain approval by Wasilla City Council of the vacation within 30 days of written Notice of Action by the Platting Board.

### **FINDINGS for VACATION**

- 1) The vacation of the soil absorption system is consistent with MSB 27.15.100 Vacation or Modification of Utility, Slope, Snow Storage, Drainage, Sanitation, Buffers and Screening Easements.
- 2) The soil absorption system easement was created with the platting of Cottonwood Creek Mall in 1984 for the purpose of a septic field for Tract D.
- 3) The soils absorption system was never installed and will not be needed in the future as the property is served by city sewer.
- 4) There were no objections to the vacation by any state, borough, city agencies, utilities or the public.

## **REASONS/CONDITIONS for PRELIMINARY PLAT**

Platting Board approved Cottonwood Creek Place contingent upon:

1. Pay MSB and city taxes and special assessments in full for year of recording.
2. Submit current *Certificate to Plat and Beneficiary Acknowledgment*.
3. Pay mailing and advertisement costs for Public Hearing.
4. Obtain a *Land Use Permit for Subdivision* from the City of Wasilla and submit copy to platting.
5. Resolve with MEA what remaining power lines, if any, need to be surveyed and shown on plat. Obtain MEA sign-off.
6. Flood hazard statement must be noted on plat; graphically depict flood hazard area; provide plat note detailing all LOMA (mapped amendments) on plat; graphically show Base Flood Elevations along Cottonwood Creek.
7. Obtain current driveway and road approach permits or approval to construct from AKDOT/PF, submit to platting.
8. Resolve size of PUE with AKDOT/PF for traffic signal at Fred Meyer on Palmer-Wasilla Highway to allow for maintenance of signal. Provide AKDOT/PF approval to platting staff.
9. Plat note regarding shared internal access for all tracts required. Resolve wording with platting staff.
10. Provide CCR recording information on final plat.
11. Submit recording fees, payable to SOA / DNR prior to recording.
12. Submit final plat in full compliance with Title 27.
13. Dead file replat of Cottonwood Creek RSB, Case #2005-292.

## **FINDINGS for PRELIMINARY PLAT**

- 1) The preliminary plat of Cottonwood Creek Place is consistent with AS 29.40.070 Platting Regulations, MSB 27.20 Subdivision Standards.
- 2) The subject parcel lies within the city limits of Wasilla and is connected to city sewer and water. Soils investigation is not required.
- 3) A flood hazard statement, LOMA, flood hazard area and base flood elevations must be depicted and/or noted on the final plat.
- 4) ADEC must approve storm water plan for mitigation of runoff to creek, a DA permit from the Corp of Engineers is required for fill and/or dredge material into Cottonwood Creek and/or adjacent wetlands, and a flood hazard development permit is required from the MSB for development within a flood hazard area.
- 5) The subdivision has been approved by the Wasilla City Council, under Ordinance No. 07-26, as a planned use development (PUD) in the C-commercial zoning district. All proposed tracts will have shared internal circulation within the parent parcel and to the shared signals located at Fred Meyers, the Parks Highway and a possible future signal to the northeast (yet to be determined) along the Palmer-Wasilla Highway. As a PUD, variances are not required from MSB code for access within development.



- 6) The City of Wasilla is working with the petitioner to adopt a resolution authorizing acceptance by deed, of a Conservation Easement for Tract 9.
- 7) MSB Cultural Resources found no recorded sites in the vicinity, but request to perform a survey along the creek.
- 8) Current permits and/or approval to construct driveway and/or road approach will be required from AKDOT/PF for access onto the Palmer-Wasilla and Parks Highways.
- 9) The City of Wasilla Official Street & Highway Plan identifies a conceptual traffic corridor between Hermon Road and the Palmer-Wasilla Highway and believes a design study is needed before a 60' building setback could be supported along the north/east boundary of subject parcel as suggested by MSB Transportation & Environmental planner. The city states alternatives routes exist that need to be studied further. AKDOT/PF concurs and supports the plat as shown.
- 10) There were no objections to the preliminary plat from borough, state, city, utilities or public.
- 11) There was no response to the request for comments from Wasilla-Lakes Fire/EMS, DNR, MTA, Enstar or GCI.
- 12) The vacations of ROW and soils absorption system were approved.
- 13) Petitioner agrees to the modifications as read.